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Jeffrey M. Nelson
Chief Legal Officer

March 6, 2019

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: Application of Carolina Water Service, Incorporated for Approval of
an Increase in Its Rates for Water and Sewer Service
Docket No. 2017-292-WS

Dear Ms. Boyd:

The Office of Regulatory Staff (“ORS”) has reviewed the Response to its Motion to Dismiss the Carolina Water System (“CWS” or “Company”) Petition for Rehearing and Reconsideration. While there is insufficient time to research and draft a detailed reply, there is nothing in the CWS filing which has caused ORS to change its position stated in the Motion to Dismiss.

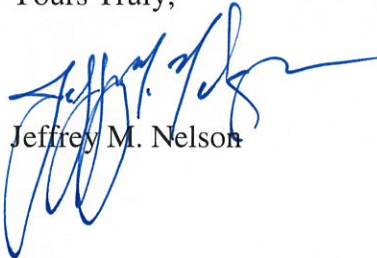
ORS continues to maintain its position that the Public Service Commission (“Commission”) has lost jurisdiction over this case under SCACR Rule 205 which states in relevant part that “[u]pon service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal; . . .” Attached is a copy of the Notice of Appeal which was filed with the Court and served on ORS on February 25, 2019 as well as the Supreme Court’s letter dated February 26, 2019 accepting the Petition and assigning the case an Appellate Case number. These documents establish that the Court has obtained jurisdiction over this case.

The Company's claim to entitlement to a "successive motion" is irrelevant, as this Commission no longer has jurisdiction to even determine whether a successive Motion is permitted or required prior to filing a Notice of Appeal. Further, the present situation clearly differs from that in Docket 2018-2-E where the timing at issue was the filing of a Notice of Appeal between the Commission's Directive and detailed written Order. There were not multiple Motions for Reconsideration in that case and the filing of the Coastal Conservation League's Notice of Appeal did not interfere with the Commission's jurisdiction, as it had already ruled on the Motion for Reconsideration. Finally, while ORS does not dispute that S.C. Code Ann. §58-5-330 provides a procedure for the filing of Motion for Reconsideration, nothing in that statute permits concurrent jurisdiction of a single case.

The Company, of its own volition, has filed a Notice of Appeal of this case to the South Carolina Supreme Court. No request, motion or petition, short of an Order of the Court granting Dismissal, can now divest the Supreme Court of its jurisdiction over this case.

ORS therefore respectfully requests that the Commission grant the ORS Motion to Dismiss.

Yours Truly,



Jeffrey M. Nelson

cc: Joseph Melchers, Esquire (via E-mail)
All Parties of Record (via E-mail)

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2017-292-WS

In Re: Application of Carolina Water Service, Inc.
for Approval of an Increase in its Rates for
Water and Sewer Services

RECEIVED

FEB 25 2019

S.C. SUPREME COURT

NOTICE OF APPEAL

Carolina Water Service, Inc. ("CWS") in Docket Number 2017-272-WS before the Public Service Commission of South Carolina ("Commission") hereby appeals Commission Order Number 2018-802 dated January 25, 2019. CWS received the order on January 25, 2019. A copy of the Order is attached as **Exhibit 1**.

Dated this 25th day of February, 2019.

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[SIGNATURES CONTINUE ON NEXT PAGE]

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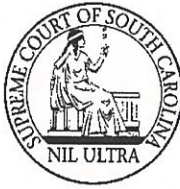
Attorneys for Carolina Water Service, Inc.

Other Counsel/Parties of Record:

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Steven W. Hamm, Esquire
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The Supreme Court of South Carolina

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February 26, 2019

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Re: In Re: Application of Carolina Water Service, Inc.
Appellate Case No. 2019-000300

Dear Counsel:

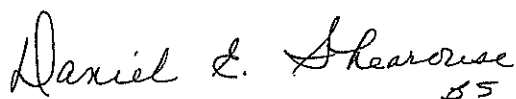
This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.



All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

Handwritten signature of Daniel E. Shearouse in cursive script, with the initials "DS" written below the name.

CLERK

cc:

Jeffrey M. Nelson, Esquire
Andrew McClendon Bateman, Esquire
Steven W. Hamm, Esquire
Laura Puccia Valtorta, Esquire
Mr. James Knowlton